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QUESTION OF EAST TIMOR

Letter dated 8 April 1992 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement issued by the Government of the Republic of Indonesia, dated 8 April 1992 (see annex), in response to the communication of 26 March 1992 contained in document A/47/134-S/23757 from the Government of Portugal concerning East Timor.

I would be grateful if you could kindly arrange the circulation of the present letter and its annex as an official document of the General Assembly.

(Signed) Nana S. SUTRESNA
Ambassador
Permanent Representative

* A/47/50.

ANNEX

Statement on East Timor issued on 8 April 1992
by the Government of Indonesia

The Permanent Representative of the Republic of Indonesia to the United Nations has the honour to convey the statement of the Government of the Republic of Indonesia in response to the statement by the Government of Portugal issued on 24 March 1992 concerning the Portuguese vessel Lusitânia Expresso, circulated as an official document of the General Assembly and of the Security Council (document A/47/134-S/23757), containing not only misleading information on the event regarding the Lusitânia Expresso, but also a protest by the Government of Portugal directed to the Government of Indonesia:

1. On 10 March 1992 at 1411 Indonesian Central Time (ICT), an Indonesian Navy aircraft Nomad P-802 detected on its radar the Portuguese vessel Lusitânia Expresso, which was located approximately 140 miles south-east of Jaco Island.

2. On 11 March 1992 at 0546 ICT, the Lusitânia Expresso was at 2 nautical miles outside the Indonesian territorial sea, the outer limits of which are 12 nautical miles measured from the archipelagic baselines drawn from the outermost points of the Indonesian islands, in this case Leti Island and Jaco Island. The Indonesian naval vessels KRI Ki Hajar Dewantara and KRI Yos Sudarso sailed alongside the Lusitânia Expresso, while maintaining a safe distance from the Lusitânia Expresso in accordance with applicable international standards.

3. At 0555 ICT, the Lusitânia Expresso entered the Indonesian territorial sea. The Commander of KRI Yos Sudarso at 0558 ICT waved a K-9 signal flag requesting the Lusitânia Expresso to open a radio communication line on frequency FM-16. When radio contact was made, the Commander of KRI Yos Sudarso informed the Captain of the Lusitânia Expresso that his ship was in the Indonesian territorial sea (8°30'25" S and 127°37'30" E). The Commander then ordered the Lusitânia Expresso to leave the Indonesian territorial sea. Instead of following the order, the Lusitânia Expresso continued its voyage within the Indonesian territorial sea. The two Indonesian naval vessels continued to monitor the Lusitânia Expresso.

4. After repeated warnings by KRI Yos Sudarso, at 0607 ICT the Lusitânia Expresso manoeuvred and turned around 150° and proceeded to leave the Indonesian territorial sea, heading back towards the direction of Darwin.

5. At 0731 ICT, the Lusitânia Expresso raised two black balloons indicating that the ship had to stop owing to a "technical malfunction". The message was understood by the Indonesian side. The Indonesian naval vessels maintained a safe distance while "repair works" were in progress, and there were no

activities of the Indonesian naval vessels that could be construed as threatening or intimidating as the statement of the Government of Portugal attempted to describe the situation.

6. At 0921 ICT, after completing the "repair works", the Captain of the Lusitânia Expresso informed the Commander of KRI Yos Sudarso that the ship was ready to start sailing in the direction of 157° towards Darwin at a speed of 10 knots.

7. It was later reported that the Lusitânia Expresso arrived at Darwin on Thursday, 12 March 1992, at 0345 local time.

8. The chronology of events in the foregoing paragraphs clearly indicate that the Indonesian Navy, which is responsible for law enforcement and the protection of national sovereignty at sea, has shown utmost restraint during the entire event. As mentioned above, the Indonesian naval vessels had adopted a firm but peaceful approach in getting the Portuguese vessel out of the Indonesian territorial sea. They had refrained from using force.

9. In ordering the Lusitânia Expresso to leave the Indonesian territorial sea, the Commander of KRI Yos Sudarso had acted in conformity with the statement of the Government of Indonesia (contained in the Indonesian Mission Press Release No. 02/PR/92 dated 25 February 1992) in which the Government declared that the Indonesian territorial sea was closed to the Portuguese vessel Lusitânia Expresso, since the purpose of the voyage was provocative in nature. Far from being a voyage of peace and of respect for human rights, it was politically motivated from the start, aimed at instigating confrontation, aggravating tension, inducing divisiveness and inciting disturbances in East Timor. For these reasons, the voyage was prejudicial to the peace, good order and security of Indonesia, and thus contrary to the established notion of innocent passage. Indonesia as the coastal State concerned has the right under international law to deny the passage of the Lusitânia Expresso through its territorial sea.

10. The serious efforts made by the Government of Indonesia to enforce the law peacefully are in conformity with the hope of the United Nations Secretary-General expressed prior to the event that "good judgement and maximum restraint be displayed by all concerned".

11. The Government of Indonesia hereby strongly rejects the protest of the Government of Portugal concerning the event, including the actions taken by the Indonesian Navy with regard to the Portuguese vessel Lusitânia Expresso, contained in General Assembly/Security Council document A/47/134-S/23757 dated 26 March 1992.

12. The Government of Indonesia once again reaffirms its commitment to cooperate fully with the Secretary-General in his efforts to find a comprehensive and internationally acceptable settlement to the question of East Timor, including the resumption of dialogue with Portugal under his

auspices. In order to ensure its success, however, Portugal must show its sincerity and good faith by words and deeds, thereby creating an atmosphere conducive for such efforts.

The Permanent Representative of the Republic of Indonesia to the United Nations would appreciate it if the Secretary-General would transmit the text of the above-mentioned statement to the Permanent Representative of Portugal to the United Nations.